

EXHIBIT E

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION**

JULIE WAGNER,

Plaintiff,

v.

TREVOR ASHLINE and
SIMPSON PERFORMANCE
PRODUCTS, INC.,

Defendants.

Civil Action No.
5:18-cv-123-KDB-DCK

DECLARATION OF CRAIG N. KILLEN

I, Craig N. Killen, hereby state and declare as follows:

1. My name is Craig N. Killen. I am an attorney licensed in North Carolina, and am a partner in the law firm of Nelson Mullins Riley & Scarborough L.L.P. (“Nelson Mullins”).

2. I served as lead counsel for the Defendants Trevor Ashline and Simpson Performance Products, Inc. (“Simpson”) in the above-captioned litigation. Simpson has exclusively the fees and costs billed by Nelson Mullins in this case. I make this Declaration in support of Simpson’s Motion for Attorneys’ Fees. The statements contained herein are made of my own personal knowledge and based on contemporaneous time records maintained by Nelson Mullins which are itemized on the attached Schedule 1.

3. I graduated from the University of South Carolina School of Law in 1991 and hold an undergraduate degree in electrical engineering. I am admitted to practice in all federal courts in North Carolina and South Carolina, as well as the United States Courts of Appeal for

the Fourth and Federal Circuits. I am also registered to practice before the United States Patent & Trademark Office.

4. I have represented Simpson in multiple patent cases, both in this District and in the Southern District of California.

5. My billing rate for this matter was \$425/hour.

6. Lauren Hunstad, who is an associate at Nelson Mullins, is the one other Nelson Mullins who was primarily involved in the representation of the Defendants in this case. Ms. Hunstad graduated from the University of North Carolina School of Law in 2017 and holds an undergraduate degree from Wake Forest University. Ms. Hunstad's hourly rate on this matter was \$265/hour through the end of 2019, was \$315/hour in 2020, and is currently \$345.00 per hour.

7. Nelson Mullins attorneys Robert McWilliams (partner), Grant Gildehaus (associate), and Jonathan Todd (associate) also had minor amounts of time in the case in relation to specific tasks or issues. These lawyers respectively graduated from law school in 2009, 2013, and 2018 and had billing rates of \$405/hour, \$330/hour, and \$320/hour on this case.

8. Several support personnel from Nelson Mullins, namely Sean O'Toole (litigation support) and Roberta Kullman (paralegal) were also involved in the representation of Defendants in this matter. Mr. O'Toole's billing rate was \$135/hour and Ms. Kullman's billing rate was \$225/hour.

9. I have reviewed the billing and timekeeping records related to this matter. I have confirmed that the reasonable attorneys' fees actually, necessarily, and reasonably incurred by Simpson in the defense of this action, up to and including the issuance of the Order granting Summary Judgment on February 5, 2021 is \$292,340.00.

10. This amount is consistent with patent-related cases of similar scope and complexity. For example, the 2019 Report of the Economic Survey published by the American Intellectual Property Association (“AIPLA”) indicates that the mean cost of patent infringement litigation in the “Metro Southeast” geographic location, with less than one million dollars at risk, is \$367,000 through the phase of “discovery, motions and claim construction.” Page I-141. In cases with one to ten million dollars at risk, the mean cost rises to \$690,000 through the same phase. Page I-142. When these cases are handled by firms having 60 or more attorneys, the mean litigation cost is \$423,000 for cases with less than one million dollars at risk (page I-147) and \$1,329,000 for cases with one to ten million dollars at risk (page I-148), also through “discovery, motions and claim construction.” While patent infringement litigation and inventorship litigation are, of course, not exactly the same, they are comparable and involve many of the same issues.

11. Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing statements are true and correct to the best of my knowledge.

Dated this 19th day of February 2021.


Craig N. Killen

Date	Timekeeper	Rate	Narrative	Hours	Fees
8/7/2018	Killen, Craig N	425	Review of complaint; send same to client; follow-up communications with client; begin analysis of claims	3.5	1,487.50
8/8/2018	Killen, Craig N	425	Continue analysis of claims; conference call with client.	2.0	850.00
8/16/2018	Gildehaus, Grant A.	330	Conducted legal research regarding co-inventorship.	1.5	495.00
8/16/2018	Killen, Craig N	425	Confer with Attorney Gildehaus regarding legal research to be done.	0.5	212.50
9/6/2018	Hunstad, Lauren G.	265	Evaluate the complaint and correspondence from opposing counsel; analyze whether the lack of contact between the plaintiff and Simpson would support a motion to dismiss the unjust enrichment claim.	1.9	503.50
9/6/2018	Killen, Craig N	425	Confer with Attorney Hunstad regarding matter.	0.5	212.50
9/10/2018	Hunstad, Lauren G.	265	Evaluate whether the plaintiff's state law claims are preempted by federal law.	0.9	238.50
9/11/2018	Hunstad, Lauren G.	265	Evaluate whether the plaintiff's state law claims are preempted by federal law, prepare memo outlining my analysis and recommendations for how to proceed.	7.9	2,093.50
9/11/2018	Killen, Craig N	425	Review of memorandum summarizing legal research on preemption; communicate with Attorney Hunstad regarding same.	0.4	170.00
9/12/2018	Hunstad, Lauren G.	265	Draft motion to dismiss, evaluate the impact of filing a partial motion to dismiss on the requirement to file an answer.	2.3	609.50
9/12/2018	Hunstad, Lauren G.	265	Office conference with Attorney Killen regarding preparing a Motion to Dismiss.	1.0	265.00
9/12/2018	Killen, Craig N	425	Review and analysis of evidence provided by client; legal research on co-inventorship; prepare email to Trevor Ashline asking him additional questions.	6.0	2,550.00

Date	Timekeeper	Rate	Narrative	Hours	Fees
9/13/2018	Hunstad, Lauren G.	265	Evaluate the plaintiff's unjust enrichment claim as to Simpson; prepare arguments regarding the same for the motion to dismiss.	2.5	662.50
9/13/2018	Killen, Craig N	425	Review and consider response to questions from Trevor Ashline; prepare and send response to Mr. Ashline.	0.5	212.50
9/14/2018	Killen, Craig N	425	Continue analysis and legal research; communicate with Trevor Ashline regarding background and history; request information from Greg Everman; prepare and send communication to opposing counsel regarding request for call to discuss case.	2.5	1,062.50
9/17/2018	Hunstad, Lauren G.	265	Evaluate case law from cases with similar factual scenarios; continue to evaluate how federal laws preempt the plaintiff's state law claims; prepare the brief in support of the motion to dismiss.	2.1	556.50
9/18/2018	Hunstad, Lauren G.	265	Continue to prepare the brief in support of the motion to dismiss; evaluate relevant supporting case law to enhance arguments.	2.0	530.00
9/19/2018	Hunstad, Lauren G.	265	Continue to draft memorandum in support of the motion to dismiss; further evaluate supportive case law.	3.5	927.50
9/19/2018	Killen, Craig N	425	Prepare for and conduct phone conference with opposing counsel; prepare and send follow-up communication to opposing counsel regarding the case; report to client.	2.0	850.00
9/20/2018	Hunstad, Lauren G.	265	Continue to prepare brief in support of the motion to dismiss.	6.5	1,722.50
9/21/2018	Hunstad, Lauren G.	265	Continue to prepare brief in support of the motion to dismiss.	3.0	795.00
9/21/2018	Killen, Craig N	425	Execute waivers of service and send same to opposing counsel.	0.3	127.50

Date	Timekeeper	Rate	Narrative	Hours	Fees
9/24/2018	Hunstad, Lauren G.	265	Continue to prepare the brief in support of the motion to dismiss.	2.8	742.00
9/26/2018	Killen, Craig N	425	Prepare for and conduct telephone conference with opposing counsel to discuss case; follow-up communication to opposing counsel; prepare and file Notice of Appearance.	1.0	425.00
10/4/2018	Hunstad, Lauren G.	265	Continue to write the brief in support of the motion to dismiss adding argument in support of dismissal of the plaintiff's claim to be added as a co-inventor.	0.8	212.00
10/7/2018	Hunstad, Lauren G.	265	Continue to write the brief in support of our motion to dismiss; add arguments supporting our view that the plaintiff has failed to state a claim for co-inventorship.	0.7	185.50
10/8/2018	Hunstad, Lauren G.	265	Continue to write the brief in support of the motion to dismiss; add analysis supporting our argument that the plaintiff has failed to state a claim for co-inventorship.	6.8	1,802.00
10/9/2018	Hunstad, Lauren G.	265	Continue to update the brief in support of the motion to dismiss.	0.3	79.50
10/10/2018	Hunstad, Lauren G.	265	Continue to update the brief in support of the motion to dismiss; add support for our argument that a successor in interest cannot be liable for unjust enrichment.	3.6	954.00
10/11/2018	Hunstad, Lauren G.	265	Continue to prepare the motion to dismiss.	3.6	954.00
10/12/2018	Hunstad, Lauren G.	265	Finalize the first draft of the brief in support of the motion to dismiss.	1.9	503.50
10/18/2018	Hunstad, Lauren G.	265	Ensure the brief in support of the motion to dismiss complies with the local WDNC rules.	0.6	159.00
10/19/2018	Killen, Craig N	425	Work on motion to dismiss complaint.	5.0	2,125.00
10/22/2018	Hunstad, Lauren G.	265	Review the brief for final edits before filing.	1.6	424.00

Date	Timekeeper	Rate	Narrative	Hours	Fees
10/22/2018	Killen, Craig N	425	Review and revise motion to dismiss; attend to filing same.	7.1	3,017.50
11/5/2018	Hunstad, Lauren G.	265	Evaluate and review the plaintiff's response in opposition to the motion to dismiss that we filed.	1.6	424.00
11/5/2018	Killen, Craig N	425	Initial review of Plaintiff's response to our motion to dismiss; confer with Attorney Hunstad regarding same.	0.8	340.00
11/6/2018	Hunstad, Lauren G.	265	Draft the brief in reply to Plaintiff's response to our motion to dismiss.	3.7	980.50
11/7/2018	Hunstad, Lauren G.	265	Conference with Attorney Killen discussing the opposing counsel's brief and our strategy for our reply; continue to write our brief in reply to the plaintiff's response.	5.3	1,404.50
11/7/2018	Killen, Craig N	425	Conference with Attorney Hunstad to discuss strategy for response.	0.5	212.50
11/8/2018	Hunstad, Lauren G.	265	Continue to write our reply brief.	2.9	768.50
11/8/2018	Killen, Craig N	425	Continue review and analysis of Plaintiff's response to our motion; report same to client; follow-up communications with client regarding same.	2.0	850.00
11/12/2018	Killen, Craig N	425	Analysis of Plaintiff's response to our motion to dismiss; work on reply to same.	5.1	2,167.50
11/13/2018	Hunstad, Lauren G.	265	Conference with Attorney Killen; determine additional case law to add to the reply brief; proof read final version of the brief before filing.	2.6	689.00
11/13/2018	Killen, Craig N	425	Continue working on reply to Plaintiff's response to motion to dismiss; review and revise same; attend to filing reply with the court.	8.8	3,740.00

Date	Timekeeper	Rate	Narrative	Hours	Fees
4/4/2019	Hunstad, Lauren G.	265	Evaluate the Plaintiff's request to amend her complaint; research the appropriate time for amending pleadings; prepare a memo analyzing the appropriateness of this motion.	3.3	874.50
4/4/2019	Killen, Craig N	425	Brief review of proposed amended complaint sent by the other side; communicate with Attorney Hunstad regarding same.	0.4	170.00
4/8/2019	Hunstad, Lauren G.	265	Confer with Attorney Killen regarding possible strategies to respond to the plaintiff's motion to amend; perform research on strategy for dismissing the new fraud claims; prepare a memo for Attorney Killen with possible positions for how to proceed.	3.6	954.00
4/8/2019	Killen, Craig N	425	Further review of proposed amended complaint; communicate to opposing counsel that we will not consent to same; communicate with Attorney Hunstad regarding need to research options.	0.5	212.50
4/9/2019	Hunstad, Lauren G.	265	Confer with Attorney Killen regarding strategy for responding to the plaintiff's motion to amend its complaint; evaluate the new fraud claims in plaintiff's complaint; assess the substance of the proposed amended complaint.	3.7	980.50
4/9/2019	Killen, Craig N	425	Confer with Attorney McWilliams regarding strategy for opposing amended complaint.	0.5	212.50
4/9/2019	McWilliams, Robert H.	405	Confer with Attorney Killen regarding strategy for response to Plaintiff's proposed amended complaint; legal research in support of same.	0.9	364.50
4/10/2019	Hunstad, Lauren G.	265	Phone conversation with Attorney Killen further discussing the strategy for how to respond to the plaintiff's motion to amend; continue research.	2.9	768.50

Date	Timekeeper	Rate	Narrative	Hours	Fees
4/10/2019	Killen, Craig N	425	Review of proposed amended complaint and exhibits to same; confer with Attorney Hunstad regarding strategy; prepare and send communication to client regarding same.	2.0	850.00
4/11/2019	Hunstad, Lauren G.	265	Continue further research regarding arguments to attack the proposed amended pleadings.	1.9	503.50
4/12/2019	Hunstad, Lauren G.	265	Begin response to plaintiff's motion for leave to amend.	2.7	715.50
4/13/2019	Hunstad, Lauren G.	265	Continue to draft Defendants' response to Plaintiff's motion to amend her complaint.	1.9	503.50
4/14/2019	Hunstad, Lauren G.	265	Continue to draft the response to Plaintiff's Motion to Amend.	0.6	159.00
4/15/2019	Hunstad, Lauren G.	265	Review the comments provided by Mr. Ashline; continue to prepare the response to plaintiff's motion for leave to amend.	5.2	1,378.00
4/15/2019	Killen, Craig N	425	Telephone conference with Trevor Ashline, Greg Everman, Chuck Davies, and Attorney Hunstad to discuss case.	1.0	425.00
4/16/2019	Hunstad, Lauren G.	265	Continue to prepare a response to plaintiff's motion for leave to amend.	3.6	954.00
4/17/2019	Hunstad, Lauren G.	265	Continue to prepare response to Plaintiff's motion.	5.1	1,351.50
4/18/2019	Hunstad, Lauren G.	265	Phone conference with Attorney Killen to discuss additional components for the response to plaintiff's request for leave to amend; incorporate those components into the brief.	2.2	583.00
4/18/2019	Killen, Craig N	425	Review and analysis of proposed amended complaint and all exhibits; perform legal research on relevant legal issues.	7.0	2,975.00

Date	Timekeeper	Rate	Narrative	Hours	Fees
4/22/2019	Killen, Craig N	425	Continue review and analysis of proposed amended complaint and exhibits thereto; analysis of historical materials sent by Trevor Ashline; work on response to motion to amend.	7.5	3,187.50
4/23/2019	Hunstad, Lauren G.	265	Perform a final review of the brief in response to plaintiff's motion for leave to amend; evaluate the brief as filed.	1.1	291.50
4/23/2019	Killen, Craig N	425	Continue working on response to motion to amend; review and revise same; attend to filing response.	8.0	3,400.00
5/7/2019	Hunstad, Lauren G.	265	Evaluate Plaintiff's reply in further support of her motion for leave to file first amended complaint.	0.4	106.00
5/7/2019	Killen, Craig N	425	Initial review of reply brief filed by the other side; report same to client.	0.7	297.50
5/9/2019	Hunstad, Lauren G.	265	Review the order granting Plaintiff leave to amend; confer with Attorney Killen regarding our strategy to oppose the Plaintiff's amended complaint; begin to prepare a motion to dismiss plaintiff's amended complaint.	2.4	636.00
5/14/2019	Hunstad, Lauren G.	265	Continue to write the brief in support of the motion to dismiss Plaintiff's amended complaint.	1.0	265.00
5/15/2019	Hunstad, Lauren G.	265	Continue to prepare the 12(b)(6) motion and brief.	2.5	662.50
5/16/2019	Hunstad, Lauren G.	265	Continue to prepare the motion to dismiss.	3.9	1,033.50
5/17/2019	Hunstad, Lauren G.	265	Prepare brief in support of the motion to dismiss plaintiff's amended complaint.	3.0	795.00
5/22/2019	Killen, Craig N	425	Work on motion to dismiss.	2.5	1,062.50
5/23/2019	Killen, Craig N	425	Work on motion to dismiss.	4.1	1,742.50
5/24/2019	Killen, Craig N	425	Continue working on motion to dismiss; attend to filing same with the court.	4.0	1,700.00

Date	Timekeeper	Rate	Narrative	Hours	Fees
5/28/2019	Killen, Craig N	425	Prepare and send status update to client.	0.4	170.00
6/7/2019	Hunstad, Lauren G.	265	Evaluate the Plaintiff's response opposing Defendant's motion to dismiss the first amended complaint.	1.0	265.00
6/11/2019	Hunstad, Lauren G.	265	Continue to prepare the brief in reply to plaintiff's response to our motion to dismiss her first amended complaint; conference with Attorney Killen concerning strategy for the reply brief.	2.5	662.50
6/11/2019	Killen, Craig N	425	Prepare for and meet with Attorney Hunstad to discuss strategy for reply brief.	1.0	425.00
6/12/2019	Hunstad, Lauren G.	265	Continue to prepare the brief in reply to plaintiff's response to defendants' motion to dismiss the first amended complaint.	7.6	2,014.00
6/13/2019	Killen, Craig N	425	Review and analysis of Plaintiff's response to motion to dismiss.	4.5	1,912.50
6/14/2019	Killen, Craig N	425	Review and revise reply in response to Motion to Dismiss; attend to filing same; report to client.	5.0	2,125.00
10/18/2019	Hunstad, Lauren G.	265	Evaluate the proposed motion prepared by the plaintiff's counsel.	0.3	79.50
10/21/2019	Hunstad, Lauren G.	265	Review the motion filed by Plaintiff to initiate early discovery.	0.4	106.00
10/21/2019	Killen, Craig N	425	Review of draft motion to expedite discovery sent by opposing counsel; respond to opposing counsel to indicate that we do not consent to the motion.	0.3	127.50
10/23/2019	Hunstad, Lauren G.	265	Begin preparation of response to plaintiff's motion for the initiation of early discovery.	0.8	212.00
10/25/2019	Hunstad, Lauren G.	265	Review case law concerning motions for early discovery in North Carolina; continue a response to Plaintiff's motion for early discovery.	1.7	450.50

Date	Timekeeper	Rate	Narrative	Hours	Fees
10/28/2019	Hunstad, Lauren G.	265	Review federal rules and local rules relating to early discovery; further review relevant case law; phone conference with Attorney Killen regarding strategy for the response to Plaintiff's motion regarding early discovery; further prepare and edit the response to Plaintiff's motion.	2.5	662.50
11/4/2019	Killen, Craig N	425	Review of Plaintiff's motion to begin discovery; work on response to same; attend to filing response to motion; report to Chuck Davies.	2.5	1,062.50
11/12/2019	Hunstad, Lauren G.	265	Review the reply brief filed by Plaintiff's counsel regarding Plaintiff's Motion for Expedited Discovery.	0.2	53.00
1/10/2020	Hunstad, Lauren G.	315	Review and analyze the order denying Defendants' Motion to Dismiss.	0.5	157.50
1/11/2020	Killen, Craig N	425	Review order from the court denying our motion to dismiss; prepare and send communication to client reporting same; coordinate answer deadline with Attorney Hunstad.	1.0	425.00
1/13/2020	Hunstad, Lauren G.	315	Begin Defendant Ashline's Answer in response to Plaintiff's First Amended Complaint.	2.2	693.00
1/17/2020	Hunstad, Lauren G.	315	Phone conversations with Attorney Killen regarding strategy for the answer; continue to prepare answer for defendant Ashline.	6.6	2,079.00
1/17/2020	Killen, Craig N	425	Confer with Attorney Hunstad regarding answer to complaint; review client communications regarding history of matter and forward pertinent emails to Attorney Hunstad.	1.1	467.50
1/18/2020	Hunstad, Lauren G.	315	Continue to review and revise Ashline's answer to Plaintiff's First Amended Complaint.	2.5	787.50

Date	Timekeeper	Rate	Narrative	Hours	Fees
1/19/2020	Hunstad, Lauren G.	315	Further revise Ashline's Answer; begin Simpson's Answer to Plaintiff's First Amended Complaint.	2.6	819.00
1/20/2020	Hunstad, Lauren G.	315	Revise Defendant Simpson's Answer to Plaintiff's First Amended Complaint.	0.6	189.00
1/22/2020	Hunstad, Lauren G.	315	Confer with Attorney Killen regarding additional aspects of the Answer; write affirmative defenses.	2.8	882.00
1/22/2020	Killen, Craig N	425	Work on answers to complaint on behalf of both defendants.	1.0	425.00
1/23/2020	Hunstad, Lauren G.	315	Confer with Attorney Killen regarding the content of the Answer; evaluate documents referenced in the Plaintiff's Complaint as needed for the Answer; phone conversation with Mr. Ashline to assist with preparation of the Answer.	1.5	472.50
1/23/2020	Killen, Craig N	425	Continue working on answers to complaint; send same to client for review.	8.7	3,697.50
1/24/2020	Hunstad, Lauren G.	315	Review information provided by Mr. Ashline via email; phone conversation with Mr. Ashline regarding the contents of the Answer; confer with Attorney Killen regarding strategy for the Answer.	0.5	157.50
1/24/2020	Killen, Craig N	425	Review and revise answers to complaint to finalize same; attend to filing answers with the court.	2.5	1,062.50
1/28/2020	Hunstad, Lauren G.	315	Phone conversation with Attorney Killen regarding strategy in preparation for the Rule 26(f) conference; begin researching issues relating to bifurcation.	1.4	441.00
1/28/2020	Killen, Craig N	425	Confer with Attorney Hunstand regarding strategy for discovery.	0.3	127.50
1/29/2020	Hunstad, Lauren G.	315	Continue research and analysis regarding the possibility of bifurcation of the claims.	0.8	252.00
1/30/2020	Hunstad, Lauren G.	315	Continue to research the issue of bifurcation and prepare a memo regarding same.	4.6	1,449.00

Date	Timekeeper	Rate	Narrative	Hours	Fees
1/31/2020	Hunstad, Lauren G.	315	Continue to research issues concerning bifurcation and continue a memo regarding same.	5.7	1,795.50
2/1/2020	Hunstad, Lauren G.	315	Further research issues pertaining to bifurcation; finalize memo regarding same.	2.0	630.00
2/4/2020	Killen, Craig N	425	Prepare for and conduct 26(f) conference with opposing counsel; follow-up to same.	2.0	850.00
2/6/2020	Hunstad, Lauren G.	315	Conference with Attorney Killen regarding strategy for a motion to bifurcate discovery; continue research regarding same.	1.2	378.00
2/9/2020	Hunstad, Lauren G.	315	Continue to research relevant case law concerning bifurcation; consider to evaluate strategy concerning bifurcation of the issues.	2.0	630.00
2/10/2020	Hunstad, Lauren G.	315	Further revise research regarding bifurcation of the issues.	2.0	630.00
2/11/2020	Hunstad, Lauren G.	315	Phone conversation with opposing counsel Mr. Romagnano regarding the initial attorneys' conference certification; phone conversations with Attorney Killen regarding same; evaluate the court order regarding deadline to submit the initial attorneys' conference certification.	0.6	189.00
2/13/2020	Hunstad, Lauren G.	315	Draft defendants' initial disclosures.	1.2	378.00
2/14/2020	Hunstad, Lauren G.	315	Phone conference with Attorney Killen regarding discovery strategy for the case; continue to prepare initial disclosures.	2.0	630.00
2/14/2020	Killen, Craig N	425	Consider scheduling and other issues, including possibility of bifurcating discovery; review and revise certificate of Initial Attorneys Conference; send revise version of same to opposing counsel.	2.0	850.00
2/15/2020	Hunstad, Lauren G.	315	Continue to prepare Defendants' Rule 26(a)(1) Initial Disclosures.	2.4	756.00

Date	Timekeeper	Rate	Narrative	Hours	Fees
2/17/2020	Killen, Craig N	425	Review of revised Certificate of Initial Attorneys Conference sent by opposing counsel; prepare and send communication to opposing counsel regarding same.	0.5	212.50
2/18/2020	Hunstad, Lauren G.	315	Begin preparing Simpson and Ashline's separate requests for production of documents and Simpson and Ashline's separate first set of interrogatories.	2.2	693.00
2/21/2020	Hunstad, Lauren G.	315	Email Mr. Ashline to request a phone conference with Attorney Killen and myself; follow up with Mr. Ashline via phone and text regarding same.	0.2	63.00
2/21/2020	Killen, Craig N	425	Confer with Attorney Hunstad regarding case strategy.	0.3	127.50
2/24/2020	Hunstad, Lauren G.	315	Confer with Attorney Killen regarding allegations in the first amended complaint.	0.4	126.00
2/24/2020	Hunstad, Lauren G.	315	Phone conference with Attorney Killen and Trevor Ashline regarding the content of the Initial Disclosures; confer with Attorney Killen regarding requirements for the Initial Disclosures.	0.7	220.50
2/24/2020	Killen, Craig N	425	Review draft of Rule 26(a) initial disclosures prepared by Attorney Hunstad; telephone conference with Trevor Ashline and Attorney Hunstad; continue working on Rule 26(a) initial disclosures; telephone conferences with Kris Vangilder and Nicole Ashline; work on discovery requests to be served on plaintiff; prepare draft of proposed protective order.	9.2	3,910.00
2/25/2020	Hunstad, Lauren G.	315	Review the initial disclosures filed by the plaintiff.	0.4	126.00
2/25/2020	Killen, Craig N	425	Continue working on initial disclosures for both defendants as well as disclosure requests; attend to serving the same on opposing counsel.	3.5	1,487.50
2/26/2020	Killen, Craig N	425	Prepare for meeting with witness Nicole Ashline.	1.8	765.00
2/27/2020	Killen, Craig N	425	Meeting with witness Nicole Ashline; follow-up to same.	2.5	1,062.50
3/18/2020	Killen, Craig N	425	Review of proposed motion for protective order; communicate with opposing counsel regarding same.	0.3	127.50

Date	Timekeeper	Rate	Narrative	Hours	Fees
3/25/2020	Hunstad, Lauren G.	315	Review the responses to interrogatories and responses to request for production served by Ms. Wagner.	0.2	63.00
3/31/2020	Hunstad, Lauren G.	315	Retrieve documents from Plaintiff's counsel in response to Simpson's discovery requests.	0.2	63.00
4/1/2020	Killen, Craig N	425	Brief review of discovery requests served by Wagner's attorneys.	0.3	127.50
4/15/2020	Killen, Craig N	425	Review communication from opposing counsel regarding need to designate mediator; respond to same.	0.3	127.50
4/16/2020	Killen, Craig N	425	Contact proposed mediator Jim Lester and discuss case with him; inform opposing counsel that Mr. Lester is available.	0.5	212.50
4/28/2020	Killen, Craig N	425	Initial review of discovery requests served by Wagner's attorneys; confer with Chuck Davies regarding same; communicate with Wagner's attorneys regarding response deadline.	2.5	1,062.50
4/29/2020	Killen, Craig N	425	Communications with client and opposing counsel regarding plaintiff's discovery requests; work on same.	0.5	212.50
5/18/2020	Hunstad, Lauren G.	315	Confer with Attorney Killen regarding the plaintiff's discovery requests.	0.3	94.50
5/18/2020	Killen, Craig N	425	Work on objections to Plaintiff's First Set of Interrogatories and First Set of Document Requests (to Simpson); review and revise same; attend to serving same on opposing counsel.	6.2	2,635.00
5/21/2020	Killen, Craig N	425	Prepare objections to Wagner's First Set of Interrogatories and First Set of Document Requests to Ashline; review and revise same; attend to serving same on opposing counsel.	4.8	2,040.00
5/26/2020	Killen, Craig N	425	Confer with Chuck Davies regarding case; review of interrogatories to determine which ones require input from others; prepare and send communication to Trevor Ashline and Greg Everman.	0.4	170.00
5/27/2020	Killen, Craig N	425	Work on responses to Plaintiff's discovery requests.	4.0	1,700.00
5/28/2020	Killen, Craig N	425	Work on responding to Wagner's written discovery requests.	7.8	3,315.00

Date	Timekeeper	Rate	Narrative	Hours	Fees
5/29/2020	Hunstad, Lauren G.	315	Confer with Attorney Killen regarding new information pertaining to the plaintiff's disclosures and responses; review plaintiff's responses to the interrogatories; review plaintiff's production for the presence of a 2010 letter.	2.1	661.50
5/29/2020	Killen, Craig N	425	Continue working on responses to Plaintiff's interrogatories; review and revise same; telephone conference with Chuck Davies; review of additional information sent by Greg Everman; confer with Attorney Hunstad regarding same.	3.1	1,317.50
6/1/2020	Hunstad, Lauren G.	315	Prepare a memo regarding the impact of a letter from Plaintiff and her attorney in 2010 on her state law claims for fraud and her correction of inventorship claims; research statutes of limitations and laches defenses; evaluate plaintiff's pleadings and discovery responses in light of the 2010 letter.	4.5	1,417.50
6/1/2020	Killen, Craig N	425	Review and revise responses to interrogatories based on new information; prepare responses to document requests; confer with Attorneys Hunstad and Todd regarding statute of limitations issues to be researched; attend to serving responses to writtendiscovery on opposing counsel.	5.6	2,380.00
6/1/2020	Todd, Jonathan D.	320	Research regulations and MPEP to show how Julie Wagner could obtain access to unpublished patent application.	2.6	832.00
6/2/2020	Hunstad, Lauren G.	315	Confer with Attorney Killen regarding strategy for the plaintiff's fraud, unjust enrichment, and correction of inventorship claims in light of new information regarding plaintiff's knowledge.	0.6	189.00
6/2/2020	Hunstad, Lauren G.	315	Evaluate the plaintiff's unjust enrichment claims; review case law on the statute of limitations for unjust enrichment claims in North Carolina; evaluate whether the claims are time barred; prepare a memo regarding same.	5.7	1,795.50

Date	Timekeeper	Rate	Narrative	Hours	Fees
6/2/2020	Todd, Jonathan D.	320	Research on access to unpublished patent application where another published application claims priority; telephone conference with USPTO Help Desk; telephone conference with Office of Patent Legal Administration.	2.3	736.00
6/3/2020	Hunstad, Lauren G.	315	Evaluate the requirements for a motion under Rule 11; review local rules regarding same.	1.7	535.50
6/3/2020	Hunstad, Lauren G.	315	Phone conference with Attorney Killen regarding plaintiff's produced documents.	0.3	94.50
6/3/2020	Killen, Craig N	425	Confer with Attorney Hunstad regarding statute of limitations issues in light of 2010 letter; telephone conference with Chuck Davies regarding 2010 letter; prepare and send communication to opposing counsel demanding that the case be dropped; further communications with clients regarding same.	1.5	637.50
6/4/2020	Hunstad, Lauren G.	315	Phone conference with Attorney Killen regarding additional research.	0.1	31.50
6/5/2020	Hunstad, Lauren G.	315	Evaluate case law regarding situations in which courts have awarded Rule 11 sanctions for filing claims past the statute of limitations.	1.4	441.00
6/5/2020	Killen, Craig N	425	Review and revise Ashline's interrogatory answers; telephone conference with Trevor Ashline regarding same; prepare responses to Wagner's document requests; review and revise responses; attend to serving same on opposing counsel.	3.2	1,360.00
6/7/2020	Hunstad, Lauren G.	315	Research case law concerning courts imposing Rule 11 sanctions or granting motions for summary judgment when the claims brought by the plaintiff are time barred by the statute of limitations.	4.0	1,260.00
6/8/2020	Hunstad, Lauren G.	315	Continue to research case law concerning courts imposing Rule 11 sanctions or granting motions for summary judgment when the claims brought by the plaintiff are time barred by the statute of limitations.	4.3	1,354.50

Date	Timekeeper	Rate	Narrative	Hours	Fees
6/9/2020	Hunstad, Lauren G.	315	Review further case law pertaining to rule 11 sanctions and motions for summary judgment when claims were time barred by the statute of limitations; further revise memo with analysis of possible rule 11 motion or motion for summary judgment.	5.0	1,575.00
6/15/2020	Hunstad, Lauren G.	315	Review email from the opposing counsel regarding the 2010 letter to Mr. Everman; confer with Attorney Killen regarding same.	0.5	157.50
6/15/2020	Killen, Craig N	425	Review of communication from opposing counsel disputing significance of 2010 letter to Everman; confer with Attorney Hundstad; prepare and send response to same.	1.0	425.00
6/17/2020	Todd, Jonathan D.	320	Research on 35 U.S.C. 285 to see whether attorney's fees may be available under that statutory section.	0.6	192.00
6/24/2020	Hunstad, Lauren G.	315	Evaluate email from the opposing counsel; confer with Attorney Killen regarding the email and next steps.	1.0	315.00
6/24/2020	Killen, Craig N	425	Review of email from opposing counsel disputing the need to dismiss the case; confer with Attorney Hunstad regarding same.	1.0	425.00
6/25/2020	Killen, Craig N	425	Confer with Chuck Davies regarding case.	0.3	127.50
6/29/2020	Killen, Craig N	425	Prepare correspondence to opposing counsel regarding evidence that we have showing prior invention; review of documents produced by Plaintiff.	3.1	1,317.50
6/30/2020	Hunstad, Lauren G.	315	Confer with Attorney Killen regarding correspondence from the opposing counsel; research the application of attorney client privilege on a potential deposition of Attorney Everman.	1.2	378.00
6/30/2020	Killen, Craig N	425	Review and analysis of documents produced by Plaintiff.	3.0	1,275.00
7/1/2020	Hunstad, Lauren G.	315	Finalize research regarding impact of a deposition of Attorney Everman.	1.2	378.00
7/1/2020	Killen, Craig N	425	Review and analysis of documents produced by Wagner.	5.5	2,337.50
7/2/2020	Hunstad, Lauren G.	315	Confer with Attorney Killen regarding documents produced by the plaintiff.	0.5	157.50

Date	Timekeeper	Rate	Narrative	Hours	Fees
7/2/2020	Hunstad, Lauren G.	315	Phone conference with Attorney Killen and attorneys representing Ms. Wagner regarding discovery and deposition schedules.	0.4	126.00
7/2/2020	Killen, Craig N	425	Continue review and analysis of documents produced by Wagner; review of Wagner's discovery responses; telephone conference with opposing counsel regarding discovery; communications with Trevor Ashline regarding documents.	6.2	2,635.00
7/8/2020	Killen, Craig N	425	Confer with Trevor Ashline regarding documents needed to be produced in discovery.	0.3	127.50
7/13/2020	Killen, Craig N	425	Review of documents gathered by Trevor Ashline for relevance, confidentiality designation, and privilege.	7.2	3,060.00
7/14/2020	Killen, Craig N	425	Review documents gathered by Trevor Ashline for relevance, privilege, and level of confidentiality.	8.0	3,400.00
7/15/2020	Hunstad, Lauren G.	315	Confer with Attorney Killen regarding the production of documents; confer with Attorney McWilliams regarding same; phone conference with litigation support regarding same.	1.0	315.00
7/15/2020	Killen, Craig N	425	Continue to review documents to be produced for relevance, level of confidentiality and privilege; multiple communications with Trevor Ashline regarding documents.	4.2	1,785.00
7/20/2020	Hunstad, Lauren G.	315	Phone conferences with Attorney Killen regarding document production; coordination with litigation services regarding same.	0.9	283.50
7/20/2020	Hunstad, Lauren G.	315	Review progress of document production; confer with Attorney Killen regarding same; confer with litigation services regarding same.	1.5	472.50
7/20/2020	Killen, Craig N	425	Review of Everman subpoena; communications with Greg Everman and opposing counsel regarding same.	0.2	85.00
7/20/2020	O'Toole, Sean B.	135	Create bates labels for documents, and bates label proposed production documents, at the direction of attorney Hunstad.	1.4	189.00
7/21/2020	Hunstad, Lauren G.	315	Evaluate email and subpoena from the opposing counsel served on Mr. Everman.	0.5	157.50

Date	Timekeeper	Rate	Narrative	Hours	Fees
7/21/2020	Killen, Craig N	425	Work on issues related to production of documents to opposing counsel.	0.4	170.00
7/21/2020	O'Toole, Sean B.	135	Analyze and organize proposed production documents, and bates label documents, at the direction of attorney Hunstad.	1.9	256.50
7/22/2020	Killen, Craig N	425	Work on production of defendants' documents; multiple communications with opposing counsel regarding same.	1.5	637.50
7/23/2020	Hunstad, Lauren G.	315	Prepare an index of the defendants' discovery responses; begin upload of defendants' first document production.	4.4	1,386.00
7/23/2020	Killen, Craig N	425	Work on issues related to production of documents; multiple communications with opposing counsel regarding same.	0.5	212.50
7/24/2020	Hunstad, Lauren G.	315	Confer with Attorney Killen regarding document production; further review the production for discrepancies.	1.2	378.00
7/24/2020	Killen, Craig N	425	Work on discovery issues.	0.3	127.50
7/24/2020	O'Toole, Sean B.	135	Research issue with container files not extracting entire documents, at the direction of attorney Hunstad.	0.4	54.00
7/27/2020	Hunstad, Lauren G.	315	Confer with opposing counsel regarding the status of Defendants' First Set of Production.	0.2	63.00
7/28/2020	Killen, Craig N	425	Work on deposition scheduling and case strategy matters.	1.0	425.00
7/29/2020	Hunstad, Lauren G.	315	Further coordinate the production of documents with the opposing counsel; evaluate a recent Federal Circuit decision with a similar factual pattern; confer with Attorney Killen regarding same.	1.6	504.00
7/29/2020	Killen, Craig N	425	Communications with client and opposing counsel regarding deposition scheduling; review new relevant case issued by the Court of Appeals and discuss same with Attorney Hunstad; work on discovery issues; prepare communication to opposing counsel again demanding dismissal of the case.	1.3	552.50
7/30/2020	Hunstad, Lauren G.	315	Further coordinate the upload of Defendants' First Production to the Plaintiff's secure drive.	0.2	63.00

Date	Timekeeper	Rate	Narrative	Hours	Fees
7/31/2020	Hunstad, Lauren G.	315	Evaluate email from the opposing counsel in response to Defendants' request for the Plaintiff to dismiss her case based on the holding of James v. J2 Cloud Services.	0.1	31.50
8/3/2020	Killen, Craig N	425	Prepare objections to Everman subpoena; send to Mr. Everman to serve.	1.0	425.00
8/4/2020	Hunstad, Lauren G.	315	Evaluate correspondence regarding the upcoming deposition of Mr. Everman.	0.2	63.00
8/10/2020	Killen, Craig N	425	Call with Greg Everman to discuss document production issues.	0.5	212.50
8/11/2020	Hunstad, Lauren G.	315	Confer with Attorney Killen regarding steps necessary to locate and serve a subpoena on Mr. Arthur Cooksey; consider options to effectuate service.	0.5	157.50
8/11/2020	Killen, Craig N	425	Work on deposition scheduling; work on Cooksey subpoena; confer with Attorney Hunstad regarding the foregoing.	1.5	637.50
8/13/2020	Hunstad, Lauren G.	315	Begin preparing a subpoena for Mr. Arthur Cooksey.	0.6	189.00
8/13/2020	Killen, Craig N	425	Work on discovery matters, including subpoena to Art Cooksey; communicate with Attorney Hunstad regarding same.	0.5	212.50
8/14/2020	Hunstad, Lauren G.	315	Evaluate letter received from the opposing counsel in response to Mr. Everman's objections; confer with Attorney Killen regarding same; perform case law research to be included in a reply to the opposing counsel regarding privileged topics and documents.	2.1	661.50
8/14/2020	Killen, Craig N	425	Brief review of letter to Greg Everman from opposing counsel; communicate with Mr. Everman regarding same.	0.3	127.50
8/16/2020	Hunstad, Lauren G.	315	Further research attorney client privilege protections for documents pertaining to correspondence with patent prosecution counsel.	1.2	378.00

Date	Timekeeper	Rate	Narrative	Hours	Fees
8/17/2020	Hunstad, Lauren G.	315	Conduct further research regarding case law concerning attorney client privilege for communications between a client and patent prosecution counsel; research case law supporting argument that Mr. Everman should be compensated for his time gathering requested documents; confer with Attorney Killen regarding strategy for the upcoming depositions.	4.4	1,386.00
8/17/2020	Killen, Craig N	425	Review and analysis of opposing counsel's letter to Greg Everman regarding his objections to the subpoena; confer with Attorney Hunstad regarding privilege matters as it pertains to patent prosecution; prepare responsive letter to opposing counsel for Mr. Everman to send; review and revise same; send letter to Mr. Everman; communications with opposing counsel regarding deposition scheduling and other matters.	3.5	1,487.50
8/17/2020	Kullman, Roberta A.	225	Evaluate matter to ascertain all information required for preparing third-party subpoena for testimony for Arthur Cooksey, revise and supplement notice of deposition, revise and supplement subpoena, multiple correspondences with process server, and formulate written correspondence serving the same.	1.0	225.00
8/17/2020	Kullman, Roberta A.	225	Multiple email correspondences with process server regarding service on Arthur Cooksey.	0.2	45.00
8/17/2020	Kullman, Roberta A.	225	Receipt and evaluate completed Proof of Service from process server regarding service on Arthur Cooksey and confirm compliance of the same.	0.1	22.50
8/24/2020	Hunstad, Lauren G.	315	Conference with Attorney Killen regarding allegations in the first amended complaint as it pertains to upcoming deposition preparations; assist with preparing for upcoming meetings with Mr. Everman and Mr. Ashline.	0.7	220.50

Date	Timekeeper	Rate	Narrative	Hours	Fees
8/24/2020	Killen, Craig N	425	Work on preparation for upcoming depositions; multiple calls with Greg Everman to discuss document collection and other matters; communications with Trevor Ashline regarding his deposition.	7.0	2,975.00
8/25/2020	Killen, Craig N	425	Continue preparing for depositions; multiple communications with opposing counsel regarding discovery issues.	6.6	2,805.00
8/26/2020	Hunstad, Lauren G.	315	Begin preparing a Joint Consent Motion to Amend Pretrial Order and Case Management Plan; begin preparing and a Proposed Amended Pretrial Order and Case Management Plan.	1.6	504.00
8/26/2020	Killen, Craig N	425	Prepare for and conduct extended telephone conference with Trevor Ashline to prep him for his deposition; review of additional opinion information sent by Greg Everman.	3.2	1,360.00
8/27/2020	Hunstad, Lauren G.	315	Review the plaintiff's second production of documents.	1.3	409.50
8/27/2020	Killen, Craig N	425	Continue to prepare for depositions; deposition prep meeting with Trevor Ashline; prepare additional documents for production; prepare privilege log; serve additional documents and privilege log on opposing counsel.	6.2	2,635.00
8/28/2020	Killen, Craig N	425	Attend and defend deposition of Trevor Ashline.	7.5	3,187.50
8/31/2020	Hunstad, Lauren G.	315	Confer with Attorney Killen regarding exhibits from the deposition; confirm a video from Mr. Ashline was given a bates number and produced.	0.6	189.00
9/3/2020	Hunstad, Lauren G.	315	Phone conference with Attorney Killen regarding the motion to amend the scheduling order to extend discovery and mediation deadlines.	0.2	63.00
9/3/2020	Killen, Craig N	425	Communications with opposing counsel regarding discovery issues.	0.5	212.50
9/3/2020	Kullman, Roberta A.	225	Finalize notice of deposition to plaintiff, prepare and produce to court report and receipt of confirmation of the same to ensure compliance.	0.3	67.50

Date	Timekeeper	Rate	Narrative	Hours	Fees
9/8/2020	Hunstad, Lauren G.	315	Search the produced documents for reference to Arthur Cooksey in preparation for his deposition.	0.4	126.00
9/9/2020	Hunstad, Lauren G.	315	Review documents provided by Mr. Ashline pertaining to Mr. Cooksey in advance of his deposition.	0.4	126.00
9/9/2020	Hunstad, Lauren G.	315	Revise the draft Motion to Amend Pretrial Order and Case Management Plan and the Proposed Amended Pretrial Order and Case Management Plan.	0.5	157.50
9/9/2020	Killen, Craig N	425	Work on discovery issues.	0.5	212.50
9/10/2020	Killen, Craig N	425	Work on preparation for upcoming depositions.	1.4	595.00
9/11/2020	Hunstad, Lauren G.	315	Confer with Attorney Killen regarding strategy for the upcoming deposition of Julie Wagner; assist with compiling documents as deposition exhibits; email the court reporter service regarding the Wagner deposition; email Mr. Ashline to provide the deposition transcript for his review; prepare an amended Notice of Deposition for Ms. Wagner.	2.0	630.00
9/11/2020	Killen, Craig N	425	Review of documents in preparation for upcoming depositions; coordinate printing and copying of some exhibits; work on motion to extend mediation and related deadlines; work on various discovery matters; prepare and send communications to opposing counsel regarding same.	5.2	2,210.00
9/14/2020	Hunstad, Lauren G.	315	Further revise the Joint Consent Motion to Amend Pretrial Order and Case Management Plan pursuant to comments made by the opposing counsel; confer with Attorney Killen regarding documents produced by the plaintiff and strategy for her deposition.	0.5	157.50
9/14/2020	Killen, Craig N	425	Work on preparing for depositions.	6.5	2,762.50
9/15/2020	Hunstad, Lauren G.	315	Confer with Attorney Killen regarding preparation for the deposition of Julie Wagner.	0.4	126.00
9/15/2020	Killen, Craig N	425	Continue preparing for deposition of Julie Wagner.	9.5	4,037.50
9/16/2020	Hunstad,	315	Attend deposition of Ms. Julie Wagner.	6.5	2,047.50

Date	Timekeeper	Rate	Narrative	Hours	Fees
	Lauren G.				
9/16/2020	Killen, Craig N	425	Continue preparing for deposition of Julie Wagner; conduct deposition.	9.3	3,952.50
9/17/2020	Killen, Craig N	425	Prepare for and conduct deposition of Art Cooksey.	5.5	2,337.50
9/18/2020	Hunstad, Lauren G.	315	Review and study the transcript of Ms. Wagner's deposition; analyze possible questions to ask Mr. Tuccillo and analyze whether his deposition is necessary in light of testimony provided by Ms. Wagner; review notes taken during the Cooksey deposition; prepare a summary of the deposition of Julie Wagner and Art Cooksey; review pleadings in the litigation.	5.0	1,575.00
9/21/2020	Killen, Craig N	425	Review consent motion regarding scheduling order; send same to opposing counsel.	0.3	127.50
9/23/2020	Killen, Craig N	425	Review and revise deposition summaries; send same to client.	0.2	85.00
10/2/2020	Killen, Craig N	425	Review and analysis of deposition transcripts.	5.5	2,337.50
10/5/2020	Killen, Craig N	425	Review and analysis of deposition transcripts.	4.0	1,700.00
10/19/2020	Hunstad, Lauren G.	315	Begin preparing a draft Motion for Summary Judgment and Memorandum in Support of Summary Judgment; phone conference with Attorney Killen regarding settlement negotiations; begin preparing a Motion to Bifurcate.	3.3	1,039.50
10/19/2020	Killen, Craig N	425	Confer with Attorney Hunstad regarding discovery matters, summary judgment, and work to be done leading up to mediation.	0.3	127.50
10/20/2020	Hunstad, Lauren G.	315	Further revise the Motion to Bifurcate Discovery.	0.7	220.50
10/21/2020	Hunstad, Lauren G.	315	Confer with Attorney Killen regarding the issue of Simpson's liability; conduct research regarding same and prepare a memo addressing this issue.	2.5	787.50
10/21/2020	Hunstad, Lauren G.	315	Review pleadings and continue drafting the memo in support of the Defendants' Motion for Summary Judgment.	1.5	472.50

Date	Timekeeper	Rate	Narrative	Hours	Fees
10/22/2020	Hunstad, Lauren G.	315	Further consider the agency relationship between Ashline and Simpson; confer with Attorney Killen regarding the motion for bifurcation; further revise the motion for bifurcation and prepare a draft order for the court.	1.9	598.50
10/22/2020	Killen, Craig N	425	Confer with Chuck Davies regarding case and sales of Hybrid; revise sales summary; review and revise draft of motion to bifurcate; prepare and send communication to opposing counsel regarding same.	1.4	595.00
10/23/2020	Hunstad, Lauren G.	315	Evaluate email from opposing counsel and proposed draft order.	0.3	94.50
10/26/2020	Hunstad, Lauren G.	315	Further prepare the brief in support of the Motion for Summary Judgment.	1.4	441.00
10/26/2020	Killen, Craig N	425	Work on motion to bifurcate; send same to opposing counsel.	0.6	255.00
10/28/2020	Killen, Craig N	425	Finalize and file motion to bifurcate.	0.4	170.00
10/29/2020	Hunstad, Lauren G.	315	Continue working on the motion for summary judgment.	1.6	504.00
10/31/2020	Hunstad, Lauren G.	315	Review the deposition transcript from Mr. Ashline's deposition; continue to revise the summary judgment outline; add references to the transcript to the motion for summary judgment outline.	3.5	1,102.50
11/2/2020	Killen, Craig N	425	Multiple communications with opposing counsel regarding mediation and discovery issues.	0.4	170.00
11/3/2020	Killen, Craig N	425	Confer with opposing counsel regarding mediation scheduling and discovery issues; follow-up communications regarding same.	0.4	170.00
11/4/2020	Killen, Craig N	425	Work on mediation scheduling and other matters.	0.4	170.00
11/5/2020	Killen, Craig N	425	Work on mediation scheduling and other matters; work on summary judgment motion.	2.5	1,062.50

Date	Timekeeper	Rate	Narrative	Hours	Fees
11/9/2020	Hunstad, Lauren G.	315	Further research the issue of agency law as it pertains to the motion for summary judgment; further research and prepare the outline and draft of the motion for summary judgment.	3.6	1,134.00
11/9/2020	Killen, Craig N	425	Prepare mediation statements; review and revise same; send to mediator.	4.5	1,912.50
11/10/2020	Hunstad, Lauren G.	315	Confer with Attorney Killen regarding the motion for summary judgment.	0.3	94.50
11/11/2020	Killen, Craig N	425	Prepare for and participate in mediation; follow-up to same.	2.0	850.00
11/11/2020	Killen, Craig N	425	Work on summary judgment motion.	2.0	850.00
11/12/2020	Killen, Craig N	425	Continue working on summary judgment motion.	8.0	3,400.00
11/15/2020	Killen, Craig N	425	Work on summary judgment motion.	5.0	2,125.00
11/16/2020	Hunstad, Lauren G.	315	Confer with Attorney Killen regarding facts pertaining to the case; revise the outline of the summary judgment brief regarding statute of limitations arguments for the unjust enrichment and constructive trust claims.	3.5	1,102.50
11/16/2020	Killen, Craig N	425	Work on summary judgment motion.	6.5	2,762.50
11/17/2020	Hunstad, Lauren G.	315	Review the Judge's Case Management Order, Standing Order, and the WDNC Local Rules as they pertain to the motion for summary judgment.	0.5	157.50
11/17/2020	Killen, Craig N	425	Work on motion for summary judgment.	8.0	3,400.00
11/18/2020	Hunstad, Lauren G.	315	Edit, review, and cite check the defendants' brief in support of its motion for summary judgment.	2.8	882.00
11/18/2020	Killen, Craig N	425	Continue working on summary judgment motion; review and revise same.	6.8	2,890.00
11/19/2020	Hunstad, Lauren G.	315	Perform further review and edit of the motion for summary judgment and brief; confer with Attorney Killen regarding same.	2.5	787.50

Date	Timekeeper	Rate	Narrative	Hours	Fees
11/19/2020	Killen, Craig N	425	Review and revise summary judgment motion; prepare motion and accompanying documents for filing; attend to filing summary judgment motion.	6.3	2,677.50
11/20/2020	Hunstad, Lauren G.	315	Evaluate proposal from opposing counsel regarding possible extensions of time to respond and reply to the motion for summary judgment.	0.5	157.50
12/2/2020	Killen, Craig N	425	Confer with Chuck Davies regarding case; prepare and send communications to Mr. Davies and Trevor Ashline regarding depositions and other matters; work on case strategy.	1.0	425.00
12/4/2020	Hunstad, Lauren G.	315	Assist with defendant Simpson's second production of documents.	0.2	63.00
12/4/2020	Killen, Craig N	425	Confer with Chuck Davies regarding case and scheduling issues; review spreadsheet of sales; coordinate preparation of spreadsheet for producing same; attend to producing spreadsheet.	1.0	425.00
12/7/2020	Killen, Craig N	425	Work on deposition scheduling including communications with opposing counsel regarding same.	0.3	127.50
12/8/2020	Hunstad, Lauren G.	315	Confer with Attorney Killen regarding the deposition of the plaintiff; research the number of days required to give reasonable notice for a deposition.	0.9	283.50
12/8/2020	Hunstad, Lauren G.	315	Prepare a notice of deposition for the plaintiff to be deposed regarding damages.	0.4	126.00
12/8/2020	Killen, Craig N	425	Confer with Attorney Hunstad regarding discovery matters.	0.3	127.50
12/9/2020	Killen, Craig N	425	Finalize Notice of Deposition for Julie Wagner; serve same on opposing counsel.	0.3	127.50
12/11/2020	Hunstad, Lauren G.	315	Review Plaintiff's Response to Defendants' Motion to Dismiss and Exhibits.	1.7	535.50
12/11/2020	Killen, Craig N	425	Initial review of Wagner's response to our motion for summary judgment.	1.5	637.50

Date	Timekeeper	Rate	Narrative	Hours	Fees
12/13/2020	Killen, Craig N	425	Continue review and analysis of Plaintiff's response to motion to summary judgment.	1.0	425.00
12/14/2020	Killen, Craig N	425	Communications with clients regarding deposition scheduling and other matters; call with opposing counsel regarding scheduling.	0.4	170.00
12/15/2020	Hunstad, Lauren G.	315	Confer with Attorney Killen regarding the pre-trial requirements; review the case management order regarding same.	1.0	315.00
12/15/2020	Hunstad, Lauren G.	315	Evaluate correspondence from Mr. Everman regarding the facts of this case; prepare a declaration for Mr. Everman outlining same; forward the declaration to Mr. Everman for execution.	1.5	472.50
12/15/2020	Hunstad, Lauren G.	315	Further review and evaluate the plaintiff's response brief.	1.6	504.00
12/15/2020	Killen, Craig N	425	Work on deposition scheduling; confirm pretrial schedule to make sure that all applicable deadlines are docketed; work on Everman declaration.	0.6	255.00
12/16/2020	Hunstad, Lauren G.	315	Revise the Everman Declaration in accordance with changes requested by Mr. Everman; resend Mr. Everman the declaration for signature.	0.4	126.00
12/23/2020	Killen, Craig N	425	Work on Defendants' Reply to Plaintiff's Response to Summary Judgement Motion.	9.5	4,037.50
12/24/2020	Killen, Craig N	425	Continue working on Defendants' Reply to Response to Motion; review and revise same; attend to filing reply.	5.3	2,252.50
12/29/2020	Hunstad, Lauren G.	315	Confer with Attorney Killen regarding the opposing counsel's intent to file a motion for permission to file a surreply.	0.4	126.00
12/29/2020	Hunstad, Lauren G.	315	Phone conference with the opposing counsel and Attorney Killen regarding the opposing counsel's intent to move the court for permission to file a surreply; confer with Attorney Killen regarding strategy for a response.	0.5	157.50

Date	Timekeeper	Rate	Narrative	Hours	Fees
12/29/2020	Hunstad, Lauren G.	315	Review case law pertaining to proper contents for a reply brief and standard for a motion to strike; prepare arguments in response to plaintiff's contention the Everman declaration was improper.	1.5	472.50
12/29/2020	Killen, Craig N	425	Meet and confer call with opposing counsel regarding surreply.	0.3	127.50
1/4/2021	Hunstad, Lauren G.	345	Evaluate order issued by the court regarding the summary judgment motion and plaintiff's motion to strike a portion of the reply brief.	0.4	138.00
1/4/2021	Hunstad, Lauren G.	345	Evaluate the motion and memorandum filed by the Plaintiff; confer with Attorney Killen regarding same.	1.4	483.00
1/4/2021	Hunstad, Lauren G.	345	Research case law and patent law rules regarding duty of candor of patent prosecution attorneys.	1.3	448.50
1/4/2021	Killen, Craig N	425	Review and initial analysis of Motion to Strike filed by Plaintiff; confer with Attorney Hunstad.	0.8	340.00
1/5/2021	Hunstad, Lauren G.	345	Phone conference with Attorney Killen regarding the court's order and next steps for preparing a response.	0.4	138.00
1/5/2021	Hunstad, Lauren G.	345	Research issues raised in Plaintiff's motion to strike in preparation for preparing a response brief.	1.3	448.50
1/5/2021	Killen, Craig N	425	Review and analysis of Safety Solutions asset purchase agreement as relevant to this case; report to client regarding hearing; work on deposition scheduling; produce asset purchase agreement to the other side.	3.5	1,487.50
1/6/2021	Hunstad, Lauren G.	345	Evaluate email from the opposing counsel regarding upcoming deadlines in the case; respond to opposing counsel regarding the settlement conference required after the filing of a summary judgment motion.	0.3	103.50
1/6/2021	Hunstad, Lauren G.	345	Further research attorney client privilege case law as it pertains to the Everman declaration; prepare a memo regarding same.	3.6	1,242.00
1/6/2021	Killen, Craig N	425	Work on coordinating settlement conference.	0.3	127.50

Date	Timekeeper	Rate	Narrative	Hours	Fees
1/7/2021	Killen, Craig N	425	Attend mandated settlement conference with opposing counsel; prepare and file certificate of same; prepare and send response to opposing counsel regarding damages issues and the need for discovery in relation to same.	1.2	510.00
1/11/2021	Hunstad, Lauren G.	345	Begin preparing a response to Plaintiff's motion to strike Mr. Everman's declaration.	1.5	517.50
1/12/2021	Hunstad, Lauren G.	345	Further draft, revise, and edit the response to Plaintiff's motion to strike Mr. Everman's declaration.	4.6	1,587.00
1/13/2021	Killen, Craig N	425	Work on response to motion to strike.	1.2	510.00
1/14/2021	Killen, Craig N	425	Continue working on response to motion to strike; review and revise same; attend to filing response.	5.0	2,125.00
1/20/2021	Hunstad, Lauren G.	345	Evaluate the case management plan's requirements for a pre trial brief; locate and review similar trial briefs in preparation for drafting.	2.1	724.50
1/20/2021	Killen, Craig N	425	Communications with opposing counsel regarding pretrial matters.	0.3	127.50
1/21/2021	Hunstad, Lauren G.	345	Confer with Attorney Killen regarding next steps in trial preparation.	0.5	172.50
1/21/2021	Hunstad, Lauren G.	345	Confer with Paralegal Kulman regarding preparing an exhibit list for trial.	0.4	138.00
1/21/2021	Hunstad, Lauren G.	345	Locate and review example motions in limine; evaluate options for moving to exclude the plaintiff's damages evidence.	1.7	586.50
1/21/2021	Hunstad, Lauren G.	345	Review Plaintiff's reply brief regarding the motion to strike Mr. Everman's declaration.	0.4	138.00
1/21/2021	Killen, Craig N	425	Review of reply to response to motion filed by Plaintiff; work on pretrial matters.	1.0	425.00
1/22/2021	Hunstad, Lauren G.	345	Review Plaintiff's discovery requests to Simpson for questions regarding sales and profits for the Hybrid device.	0.7	241.50

Date	Timekeeper	Rate	Narrative	Hours	Fees
1/22/2021	Killen, Craig N	425	Work on pretrial matters; consider damages issues and discuss same with Chuck Davies by telephone.	1.8	765.00
1/25/2021	Killen, Craig N	425	Work on claim construction (Markman) brief.	2.0	850.00
1/26/2021	Killen, Craig N	425	Continue working on Markman brief.	3.5	1,487.50
1/27/2021	Hunstad, Lauren G.	345	Revise and edit Defendants' brief regarding claim construction.	1.0	345.00
1/28/2021	Hunstad, Lauren G.	345	Evaluate the claim construction memorandum filed by the Plaintiff's counsel.	0.6	207.00
1/28/2021	Killen, Craig N	425	Work on preparation for summary judgment hearing and potential trial.	8.0	3,400.00
1/29/2021	Killen, Craig N	425	Work on preparation for summary judgment hearing and potential trial.	2.5	1,062.50
2/1/2021	Killen, Craig N	425	Work on preparation for summary judgment hearing and potential trial.	4.5	1,912.50
2/1/2021	Kullman, Roberta A.	235	Evaluate and analysis of matter to ascertain all sworn testimonies and exhibits thereto in preparation of anticipation of trial.	1.0	235.00
2/2/2021	Hunstad, Lauren G.	345	Confer with Attorney Killen regarding additional documents to be produced.	0.5	172.50
2/2/2021	Hunstad, Lauren G.	345	Evaluate arguments in Plaintiff's brief in response to Defendants' Motion for Summary Judgment regarding the applicability of the Discovery Rule to claims for unjust enrichment; research relevant cases and evaluate those cited in Plaintiff's brief; prepare a memo with analysis regarding same.	2.8	966.00
2/2/2021	Killen, Craig N	425	Work on preparation of summary judgment hearing and potential trial.	5.8	2,465.00
2/3/2021	Hunstad, Lauren G.	345	Confer with Attorney Killen regarding preparation for the Summary Judgment Hearing.	0.4	138.00

Date	Timekeeper	Rate	Narrative	Hours	Fees
2/3/2021	Hunstad, Lauren G.	345	Review case law concerning co-inventorship as a question of law.	0.8	276.00
2/3/2021	Killen, Craig N	425	Work on preparation for summary judgment hearing and potential trial.	7.2	3,060.00
2/4/2021	Hunstad, Lauren G.	345	Conference with client and Attorney Killen before the Summary Judgment Hearing; attend Summary Judgment Hearing.	2.5	862.50
2/4/2021	Killen, Craig N	425	Continue to prepare for hearing on summary judgment motion; attend hearing and argue on behalf of the defendants; report to client.	6.3	2,677.50
2/4/2021	Kullman, Roberta A.	235	Formulate and prepare initial trial exhibit chart pursuant to Judge's requirements and local rules and containing over seventy (70) possible exhibits to exchange with opposing counsel prior to trial.	2.5	587.50
2/5/2021	Hunstad, Lauren G.	345	Evaluate order from the court granting Defendants' Motion for Summary judgment; evaluate requirements for requesting costs and attorneys' fees.	1.3	448.50
2/5/2021	Killen, Craig N	425	Review and analysis of the court's order granting summary judgment; report to client; follow-up communications with client; consider potential post-judgment motions.	1.5	637.50
			Total	798.5	292,340.00